

Robert Greene Sterne Edward J. Kessler Jorge A. Goldstein David K.S. Cornwell Robert W. Esmond Tracy-Gene G. Durkin Michaele A. Cimbala Michaele B. Ray Robert E. Sokohl Eric K. Steffe Michael Q. Lee Steven R. Ludwig John M. Covert Linda E. Alcorn Robert C. Millonig Donald J. Featherstone Lawrence B. Bugaisky Michael V. Messinger Michael V. Messinger Judith U. Kim Timothy J. Shea, Jr. Patrick E. Garrett Heldi L. Kraus Edward W. Yee Albert L. Ferro* Donald R. Banowit Peter A. Jackman Teresa U. Medler Jeffrey S. Weaver Kendrick P. Patterson Vincent L. Capuano Eldora Ellison Floyd Thomas C. Fiala Brian J. De Buono Virgil Lee Beaston Kimberly N. Reddick Theodore A. Wood

May 17, 2004

Elizabeth J. Haanes Joseph S. Ostroff Frank R. Cottingham Christine M. Lhuller Rea Lynn Prengman Jane Shershenovich* George S. Bardmesser Daniel A. Klein* Jason D. Eisenberg Michael D. Specht Andrea J. Kamage Tracy L. Muller* LuAnne M. DeSantis John J. Figueroa Ann E. Summerfield Tiera S. Coston Aric W. Ledford* Jessica L. Parezo

hadais Storoff titingham A. Lhufiler rengaman henovich* Bardmesser Jein* Specht Kamage Jiller* DeSantis Jeroa Juroa Juro

Timothy A. Doyle*
Gaby L. Longsworth*
Nicole D. Dretar*
Ted J. Ebersole
Jyoti C. Iyer*
Registered Patent Agents

Registered Patent Agents
Karen R. Markowicz
Nancy J. Leith
Helene C. Carlson
Matthew J. Dowd
Aaron L. Schwartz
Katrina Y. Pel Quach
Bryan L. Skelton
Robert A. Schwartzman
Teresa A. Colella
Jeffrey S. Lundgren
Victoria S. Rutherford

Eric D. Hayes Michelle K. Holoubek Robert H. DeSelms Simon J. Elliott Julie A. Heider Mita Mukherjee Scott M. Woodhouse

Of Counsel Kenneth C. Bass III Evan R. Smith Marvin C. Guthrie

*Admitted only in Maryland *Admitted only in Virginia •Practice Limited to Federal Agencies

WRITER'S DIRECT NUMBER: (202) 772-8645 INTERNET ADDRESS: JASONE@SKGF.COM

Art Unit 2832

Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

Re

U.S. Utility Patent Application

Application No. 10/684,587; Filed: October 15, 2003

For: Micro Magnetic Non-Latching Switches and Methods of Making

Same

Inventors:

Shen et al.

Our Ref:

2040.0440000

Sir:

Transmitted herewith for appropriate action are the following documents:

- 1. Information Disclosure Statement;
- 2. Form PTO-1449 (9 pages) listing the cited documents;
- 3. Copies of the (73) cited documents; and
- 4. Return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

Sterne, Kessler, Goldstein & Fox p.l.l.c.

Jason D. Eisenberg
Attorney for Applicants

Registration No. 43,447

Sterne, Kessler, Goldstein & Fox PLLC.: 1100 New York Avenue, NW: Washington, DC 20005: 202.371.2600 f 202.371.2540: www.skgf.com



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Shen et al.

Appl. No.: 10/684,587

Filed: October 15, 2003

For: Micro Magnetic Non-Latching Switches and Methods of Making

Same

Confirmation No.: 1752

Art Unit: 2832

Examiner: B. Rojas

Atty. Docket: 2040.0440000

Information Disclosure Statement

Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may

not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

Applicants have checked the appropriate boxes below.

- ☐ 1. Statement under 37 C.F.R. 1.704(d). Each item of information contained in this
 Information Disclosure Statement was cited in a communication from a foreign
 patent office in a counterpart application and this communication was not
 received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty
 days prior to the filing of this information disclosure statement.
- ☐ 3. Filing under 37 C.F.R. § 1.97(c). This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final

Shen *et al*. Appl. No. 10/684,587

Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application. a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1). □ b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2). c. Attached is our PTO-2038 Credit Card Payment Form in the amount of \$ in payment of the fee under 37 C.F.R. § 1.17(p). 4. Filing under 37 C.F.R. § 1.97(d) This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Enclosed find our PTO-2038 Credit Card Payment Form in the amount of \$_____ in payment of the fee under 37 C.F.R. § 1.17(p); in addition:

a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1). b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2). 5. The document(s) was/were cited in a search report by a foreign patent office in a counterpart foreign application. Submission of an English language version of the search report that indicates the degree of relevance found by the foreign office is provided in satisfaction of the requirement for a concise explanation of relevance. 1138 OG 37, 38. 6. A concise explanation of the relevance of the non-English language document(s) appears below: 7. Copies of the documents are submitted herewith. 8. Copies of the documents were cited by or submitted to the Office in an IDS that complies with 37 C.F.R. § 1.98(a)-(c) in Application No._____, filed

, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).
 9. No copies of U.S. patents and patent application publications cited on the attached Form PTO-1449 are submitted in accordance with 1276 OG 55 because

☐ 10. It is expected that the examiner will review the prosecution and cited art in the parent application no(s). _____ in accordance with MPEP 2001.06(b), and indicate in the next communication from the office that the art cited in the earlier prosecution history has been reviewed in connection with the present application.

this application was filed after June 30, 2003.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Jason D. Eisenberg

Attorney for Applicants Registration No. 43,447

Date:

1100 New York Avenue, N.W. Washington, D.C. 20005-3934 (202) 371-2600

264468_1.DOC

Page 1 of 9 APPLICATION NO. ATTY. DOCKET NO. 10/684,587 2040.0440000 **FORM PTO-1449** FIRST NAMED INVENTOR Jun Shen TION DISCLOSURE STATEMENT FILING DATE **ART UNIT** October 15, 2003 2832 U.S. PATENT DOCUMENTS **EXAMINER** DOCUMENT SUB-CLASS FILING DATE INITIAL DATE NAME CLASS NUMBER 12/27/1977 AA1 4,065,677 Micheron et al. 12/23/1975 AB₁ 4,461,968 07/24/1984 Kolm et al. 01/11/1982 AC1 4,496,211 01/29/1985 Daniel 12/05/1980 Kroll 12/14/1984 AD1 4,570,139 02/11/1986 05/21/1991 AE1 5,016,978 05/21/1991 Fargette et al. AF1 5,048,912 09/17/1991 Kunikane et al. 03/09/1989 AG1 5,398,011 03/14/1995 Kimura et al. 05/17/1993 AH1 5,472,539 12/05/1995 Saia et al. 06/06/1994 09/30/1994 AI1 5,475,353 12/12/1995 Roshen et al. AJ1 5,557,132 09/17/1996 Takahashi 12/06/1994 AK1 01/20/1995 5,629, 918 05/13/1997 Ho et al. FOREIGN PATENT DOCUMENTS EXAMINER DOCUMENT COUNTRY CLASS SUB-CLASS **TRANSLATION** INITIAL NUMBER DATE Yes DE 10031569 02/01/2001 Germany No AL1 **A**1 Yes DE 19820821 12/16/1999 Germany No AM1 Yes EP 0452012 A2 10/16/1991 Europe No & A3 AN₁ Yes EP 0685864 A1 12/06/1995 Europe AO1 No EP 0709911 A2 Yes 5/1/1996 Europe No AP1 & A3 OTHER (Including Author, Title, Date, Pertinent Pages, etc.) Richard P. Feymann, "There's Plenty of Room at the Bottom", December 29, 1959, pp.1-12, Internet AR 1 Source: http://222.zyvex.com/nanotech/feynman.html. E. Fullin, J. Gobet, H.A.C. Tilmans, and J. Bergvist, "A New Basic Technology for Magnetic Micro-AS 1 Actuators", pp. 143-147. Jack W. Judy and Richard S. Muller "Magnetically Actuated, Addressable Microstructures". September 1997, Journal of Microelectromechanical Systems, Vol. 6, No. 3, September 1997, pp.249-ΑT 1 255.

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

EXAMINER

DATE CONSIDERED

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-	ATTY. DOCKET NO. 2040.0440000	APPLICATION NO. 10/684,587
FORM PTO-1449	FIRST NAMED INVENTOR	
	Jun Shen	
INFORMATION DISCLOSURE STATEMENT	FILING DATE	ART UNIT
	October 15, 2003	2832

			U.S. P.	ATENT DOCUMENTS			
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
INITIAL	AA2	5,696,619	12/9/1997	Knipe et al.	CLASS	30D-CEA33	02/27/1995
	AB2	5,784,190	07/21/1998	Worley			04/27/1995
	AC2	5,818,316	10/06/1998	Shen et al.			07/15/1997
<u></u>	AD2	5,838,847	11/17/1998	Pan et al.			10/23/1997
	AE2	5,847,631	12/8/1998	Taylor et al.		<u> </u>	09/30/1996
	AF2	5,898,515	04/27/1999	Furlani et al.			11/21/1996
_	AG2	5,945,898	08/31/1999	Judy et al.			05/31/1996
	AH2	5,982,554	11/09/1999	Goldstein et al.			12/31/1997
	AI2	6,016,092	01/18/2000	Qiu et al.			08/10/1998
	AJ2	6,016,095	01/18/2000	Herbert		•	07/06/1998
	AK2	6,028,689	02/22/2000	Michalicek et al.			01/24/1997
			FOREIGN	N PATENT DOCUMENT	S		
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL2	EP 0780858 A	1 06/25/1997	Europe		1112	Ye
	AM2	EP 0869519 A	1 10/07/1998	Europe			Ye
	AN2	EP 0887879 A	06/19/1998	Europe			Ye N
	AO2	EP 887879 A1	12/30/1998	Europe			Yes No
	AP2	FR 2572546 A	5/2/1986	France			Ye
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	AS	2 Tech. Di	gital Solid-State S	Cristofer S.J. Pister, "Bistab ensor and Actuator Worksh ntact Phenomena, Nurembe	nop, Hilton Head	d, 1988 and 19"	'International
	АТ	2 Laure K 1999, IE	Lagorce and Oliv EE Journal of Mic	er Brand, "Magnetic Micro croelectromechanical System	pactuators Based ms, IEEE, Vol. 1	l on Polymer M 8., No. 1., Marc	agnets", March h 1999, 8 pages.
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,	ATTY. DOCKET NO. 2040.0440000	APPLICATION NO. 10/684,587	<u>-</u>
FORM PTO-1449	FIRST NAMED INVENTOR Jun Shen		
INFORMATION DISCLOSURE STATEMENT	FILING DATE October 15, 2003	ART UNIT 2832	

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EXAMINER INITIAL		DOCU NUME	MENT	DATE	NAME	CLASS	SUB-CLASS	FILING DATE	
INITIAL	AA3	6,078,		06/20/2000	Yoshikawa et al.	CLASS	SOB-CLASS	TILING DATE	
	AB3	6,084,281		07/04/2000	Fullin et al.				
	AC3	6,094,	293	07/25/2000	Yokoyama et al.				
	AD3	6,115,	231	09/05/2000	Shirakawa				
	AE3	6,124,	650	09/26/2000	Bishop et al.				
	AF3	6,143,	997	11/07/2000	Feng et al.				
	AG3	6,160,	230	12/12/2000	McMillen et al.				
	АН3	6,094,	116	07/25/2000	Tai et al.				
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	AL3	JP 4-	-275519	10/1/1992	Japan			Yes No	
	AM3	JP 6-	-251684	9/9/1994	Japan			Yes No	
		JP 54	4-161952	12/22/1979	Japan			Yes No	
	AN3	wo	97/39468	10/23/1997	PCT			Yes No	
	AO3	wo	98/34269	8/6/1998	PCT			Yes	
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	AR	3	"P10D Ele	ectricity & Magn c.uwhichill.edu.	etism Lecture 14", Internet bb/cmp/online/P10D/Lectu	Source: re14/lect14.htm,	January 3, 2000), pp.1-5.	
	AS	AS 3 "Ultraminiature Magnetic Latching to 5-relays SPDT DC TO C Band", Series RF 341, product information from Teledyne Relays, 1998.							
	AT	3	M. Ruan e Copyright	t al., "Latching N 2001 Elsevier S	Microelectromagnetic Rela cience B.V., pages 346-350	ys" , Sensors and	d Actuators A 9	l (July 15, 2001),	
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	ATTY. DOCKET NO. 2040.0440000	APPLICATION NO. 10/684,587	
FORM PTO-1449	FIRST NAMED INVENTOR		•
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INFORMATION DISCLOSURE STATEMENT	FILING DATE	ART UNIT	
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-	AL4	wc	9927548	6/3/1999	PCT			Yes No
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	A04							Yes No
	AP4							Yes No
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	AR	4	Xi-Qing S Cantilever	un, K.R. Farme Actuators", 11	r, W.N. Carr, " A Bistab Annual Workshop on N 25-29, 1998, pp. 154-159	le Microrelay Ba		ent Multimorph ns, Heidelberg,
	AS	4	William P Closed, an Actuators,	. Taylor and Ma d Multi-Pole D IEEE, June 16-	ark G. Allen, "Integrated evices", 1997 Internation 19, 1997, pp. 1149-1152	Magnetic Micro nal Conference o	orelays: Normally (n Solid-State Sens	Open, Normally ors and
	AT	4	William P Micromac pp.181-19	hined Relays", .	Brand, and Mark G. All Journal of Microelectron	en. "Fully Integr nechanical Syste	ated Magnetically ms, IEEE, Vol. 7,	Actuated No. 2, June 1998,
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	ATTY. DOCKET NO. 2040.0440000	APPLICATION NO. 10/684,587
FORM PTO-1449	FIRST NAMED INVENTOR	
	Jun Shen	
INFORMATION DISCLOSURE STATEMENT	FILING DATE	ART UNIT
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	AL5								Yes No
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	AT	<u>5</u>	John A. Wr MEMS Tec 1998, pages	ight and Yu-C hnology", Pro s 13-1 to 13-4.	Chong Tai, "Micro-Mir ceedings: 46 th Annual	niature Electror International R	magnetic Relay Co	Switches Fabr nference: NAR	icated Using M '98, April
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	ATTY. DOCKET NO. 2040.0440000	APPLICATION NO. 10/684,587
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INFORMATION DISCLOSURE STATEMENT	FILING DATE	ART UNIT
	October 15, 2003	2832

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		Page 7 of 9
	ATTY. DOCKET NO. 2040.0440000	APPLICATION NO. 10/684,587
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INFORMATION DISCLOSURE STATEMENT	FILING DATE	ART UNIT
	October 15, 2003	2832

NUMBER					U.S.	PATENT DOCUMENTS	S		
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	ATTY. DOCKET NO. 2040.0440000	APPLICATION NO. 10/684,587
FORM PTO-1449	FIRST NAMED INVENTOR Jun Shen	
INFORMATION DISCLOSURE STATEMENT	FILING DATE	ART UNIT
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	AL8							Yes No
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	AR 8 English-Language Abstract of EP 0869519, published October 7, 1998, 1 page.							
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	ATTY. DOCKET NO. 2040.0440000	APPLICATION NO. 10/684,587	
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	AL9							Yes No
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	AM9							No Yes
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